

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.5028 of 2007

Dated:13.03.2007

Between:

Bejawada Dasharatha Rami Reddy.

...PETITIONER

AND

The State of Andhra Pradesh, rep.by its Principal Secretary,
Hyderabad, and others.

...RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.5028 of 2007

ORDER:

Under the provisions of the Andhra Pradesh Land Reforms (Ceiling on Agricultural Holdings) Act, 1973 (the Act, for brevity) and the Andhra Pradesh Land Reforms (Ceiling on Agricultural Holdings) Rules, 1974 (the Rules, for brevity) a person, who is found to hold surplus agricultural land in excess of the ceiling limit, is required to surrender surplus land. The Law also provides for compensating for the surrendered land and also payment of the amount for fruit bearing trees at the seignorage rates fixed by the District Forest Officer under Rule 11 of the Rules. In this writ petition, the petitioner seeks a direction to the respondents to pay a sum of Rs.22,70,480/- being compensation at the seignorage rates for 991 big cashew nut trees and 133 small cashew nut trees which allegedly existed in the land admeasuring Acs.43.31 in survey Nos.910/1 and 1484 situated at Varani Village, Vidavaluru Mandal, Nellore District, which was declared to be surplus in the holding of the petitioner and which was taken over by the Government.

The petitioner filed declaration before the Land Reforms Tribunal (LRT), Kavali. By order dated 28.06.1976, surrender of Acs.43.31 was accepted by LRT. Third respondent, namely, the District Collector, Nellore, issued notification, vide District Gazette dated 21.03.1982, to regulate the seignorage fee to be levied for removal of timber and other

produce. The petitioner approached various authorities. Third respondent sent a report dated 14.10.1992 to second respondent, namely, the Commissioner, Land Reforms & Urban Land Ceilings, who by letter dated 02.03.1995 addressed to first respondent, namely, the Secretary to Government, Revenue Department, Government of Andhra Pradesh, opined that the compensation payable to the petitioner would be Rs.1,26,900/-. Even thereafter the amount was not paid. The petitioner statedly went on pursuing the matter with the respondents, in vain. Therefore, he filed instant writ petition seeking a direction as noticed hereinabove.

After hearing the learned counsel for the petitioner and the learned Assistant Government Pleader for Revenue, this Court is of the considered opinion that the writ petition is barred by delay and laches. Except stating that the petitioner has been pursuing the matter with various authorities at various levels, no proper explanation is coming forth. It is well settled that mere attempt to seek redressal from the Government does not extend the limitation or enable a citizen to approach this Court for relief after long lapse of time. (see **S.S.Rathore v. State of M.P.**^[1]) Secondly though the petitioner's surplus land was taken possession in June, 1976, whatever be the delay, ultimately second respondent addressed first respondent in March, 1995, determining certain amount of compensation. Even thereafter the petitioner did not approach the Court for redressal. After lapse of thirty years, this writ petition is filed and the same cannot be entertained. If so advised, the petitioner may pursue the matter with the respondents.

The writ petition, with the above observations, is dismissed. No costs.

(V.V.S.RAO, J)

13th March, 2007
ghn

^[1] AIR 1990 SC 10